

FAMILY COURT MATTER

Answer and Counter-Petition in Response to Petition for Dissolution of Marriage without Children

IMPORTANT NOTICES

- **STOP: THE LAW STATES THAT BEFORE YOU CAN BEGIN A DIVORCE IN MINNESOTA, EITHER (1) YOU OR YOUR SPOUSE MUST HAVE LIVED IN MINNESOTA FOR THE LAST SIX (6) MONTHS, OR (2) YOU OR YOUR SPOUSE MUST BE A MEMBER OF THE ARMED FORCES STATIONED IN MINNESOTA FOR THE LAST SIX (6) MONTHS. IF ONE OF YOU HAS NOT LIVED IN MINNESOTA FOR THE LAST SIX (6) MONTHS, STOP, YOU CANNOT GET A DIVORCE YET. YOU MUST WAIT UNTIL YOU HAVE LIVED IN MINNESOTA FOR AT LEAST SIX (6) MONTHS. THERE IS A LIMITED EXCEPTION TO THIS RULE FOR SAME SEX COUPLES WHO WERE MARRIED IN MINNESOTA.**
- **WARNING: YOU HAVE THIRTY (30) DAYS FROM THE DATE YOU WERE SERVED WITH THE *PETITION FOR DISSOLUTION OF MARRIAGE* IN WHICH TO RESPOND. IF YOU DO NOT RESPOND WITHIN THE THIRTY (30) DAY PERIOD, THE COURT MAY GIVE YOUR SPOUSE EVERYTHING HE OR SHE ASKED FOR IN THE *PETITION*.**
- THE COURT EXPECTS EVERY PERSON WHO APPEARS IN COURT WITHOUT A LAWYER TO KNOW THE LAW. IF YOU ACT AS YOUR OWN LAWYER, YOU MUST DO WHAT A LAWYER WOULD DO.
- YOU SHOULD SEE A LAWYER IF YOU DON'T KNOW HOW TO ANSWER THE QUESTIONS ON THESE FORMS OR IF YOU THINK THE OTHER PARTY WILL HIRE A LAWYER.
- AS YOU FILL IN THE FORM(S), YOU **MUST** FOLLOW THE INSTRUCTIONS.
- TYPE YOUR ANSWERS OR PRINT NEATLY USING DARK INK.
- IF YOU NEED MORE SPACE TO ANSWER A QUESTION, USE AN ADDITIONAL FULL SHEET OF PAPER.

Helpful materials may be found at your public county law library. For a directory, see <http://www.lawlibrary.state.mn.us/cllppubdir.rtf> . For more information, contact your court administrator or call the Minnesota State Law Library at 651-296-2775.

INSTRUCTIONS

Step 1

Fill Out the *Answer and Counter-Petition* Form

This Dissolution of Marriage (divorce) proceeding started when you were served with a copy of the *Summons* and a copy of the *Petition for Dissolution of Marriage*. You have thirty (30) days from the date you were handed the *Summons* and *Petition* in which to respond. If you do not respond within the thirty (30) day period, the Court may give your spouse everything he or she has asked for in the *Petition*.

The following forms will be needed in a Dissolution of Marriage Response:

1. *Answer and Counter-Petition*
2. *Form 11.1 Confidential Information Form*
3. *Affidavit of Personal Service*
4. *Affidavit of Service by Mail*
5. *Parenting / Financial Disclosure Statement*

To respond to the *Petition for Dissolution of Marriage*, use these Instructions to fill out the *Answer and Counter-Petition* form. The *Answer* form is divided into three (3) parts. The first part of the form (Questions 1-4 on Page 1) are known as your *Answer to the Petition for Dissolution of Marriage* and tells the court and your spouse whether you believe the information in the *Petition* is true or not true. The second part of the form (Questions 1-32 starting on Page 2) gives the court information about you, your spouse, your finances, and your property. The third part of the form (Questions 1-17 starting on Page 22) tells the court and your spouse what you are asking for from the Court.

FILL IN THE TOP PART OF THE FORM

NOTE: This information is known as “the caption” and will be the same on every form you fill out. The information to fill out the top part of the *Answer and Counter-Petition* form can be found on the top part of the *Petition for Dissolution of Marriage*.

- Fill in the “Case No.” as found at the top of the *Petition*, if provided.
- On the line marked “Name of Petitioner,” write the full name of your spouse as found on the *Petition*. From now on, your spouse will be called Petitioner.
- On the line marked “Name of Respondent,” write your full name. From now on, you will be called Respondent.

ANSWER QUESTIONS 1 – 4 ON PAGE 1 OF THE FORM, WHICH ARE YOUR ANSWERS TO THE *PETITION FOR DISSOLUTION OF MARRIAGE*

NOTE: The instructions which follow are numbered the same as the questions on the *Answer and Counter-Petition* form.

For each of the following four questions, look at each paragraph numbered 1 through 32 in the *Petition for Dissolution of Marriage*.

1. If a paragraph is true, put the paragraph number(s) on the lines provided.
2. If a paragraph is not true, put the paragraph number(s) on the lines provided.
3. If a paragraph is partly true and partly not true, put the paragraph number(s) on the lines provided.
4. If you don't know whether a paragraph is true or not true, put the paragraph number(s) on the lines provided.

ANSWER QUESTIONS 1 – 32 STARTING ON PAGE 2 OF THE FORM, WHICH GIVES THE COURT INFORMATION ABOUT YOU AND YOUR SPOUSE

1. Throughout this case, your spouse will always be known as the Petitioner. Print your spouse's full name, street address, city, county, state, zip code, and date of birth. List all of your spouse's former or other names or write "none".
2. Throughout this case, you will always be known as the Respondent. Print your full name, street address, city, county, state, zip code and date of birth. List all of your former or other names or write "none".
3. Provide information about the date and location of your marriage.
4. Check YES if your spouse has lived in Minnesota for the last six months. Otherwise, check NO. Check YES if you have lived in Minnesota for the last six months. Otherwise, check NO.

STOP: The law states that before you can begin a divorce in Minnesota, either: (1) you or your spouse (husband or wife) must have lived in Minnesota for the last six months; or (2) you or your spouse must be a member of the armed forces stationed in Minnesota for the last six months. If neither you nor your spouse have lived in Minnesota for the last six months, you cannot file for a divorce yet. You must wait until one of you has lived in Minnesota for at least six months. If one of you has lived in Minnesota for the last six months, then go on to answer the rest of the questions.

NOTE: If you and your spouse are a same sex couple who were civilly married in Minnesota, but no longer live in Minnesota, based on a new law effective August 1, 2013, you and your spouse may file an action for dissolution in Minnesota if there is no other state that will allow an action for dissolution because of the sex or sexual orientation of you and your spouse.

5. Answer the questions about the military status of both you and your spouse. If either you or your spouse is a member of the armed forces there are special procedures under the Servicemembers Civil Relief Act. Contact an attorney.
6. In Minnesota, a marriage can be dissolved even if only one of the parties states that the marriage relationship is over. You do not need to add any information in this section.
7. Check YES if you are still living together; check NO if you are not. If NO, print the date you physically separated. If YES, describe why you are living together at this time.
8. Check YES if you or your spouse has already started another dissolution, legal separation or annulment proceeding in Minnesota or any other state.

WARNING: If you or your spouse have already started a divorce or legal separation or annulment case in Minnesota or in any other state and it has not been dismissed, you CANNOT proceed with this divorce. You could either complete the other action, or you could have the other action dismissed and then start this divorce.

Check NO if there is no other action.

9. Check YES if there is an existing *Order for Protection* or an existing *Harassment Restraining Order* against the Petitioner or Respondent; complete this question and **submit a copy of the order with the completed *Answer and Counter-Petition*, unless the Petitioner submitted it with the Petition.** Check NO if there is no Order.
10. This section is to make sure you are using the right forms. Check YES if you and the Petitioner have minor children under the age of 18, or under 20 and still in high school, or adult dependents who are not able to support themselves because of a physical or mental condition. If you check YES, you are using the wrong form. If you check NO, continue with the questions.
11. Check YES only if the Petitioner has any child(ren) under the age of 18 who were born prior to the marriage from a different marriage or relationship. If YES, list the child(ren) and provide the requested information.
12. Check YES only if the Respondent has any child(ren) under the age of 18 who were born prior from another marriage or relationship. If YES, list the child(ren) and provide the requested information.
13. “Public assistance” means MFIP, General Assistance, medical assistance, or sliding fee daycare. Check YES or NO. If YES, write in the name of the county paying the assistance. Minnesota law requires the Petitioner to notify the public authority paying assistance a divorce action has been filed.
14. “School” includes college, vo-tech, and night classes. Check YES or NO. If YES, answer (a) – (c).
15. Answer whether the Petitioner or Respondent or anyone in either household, including a child, receives Supplemental Security Income (SSI) or Social Security (SSDI or RSDI) due to disability, retirement, or death of a parent or spouse.
16. This question is about the Petitioner’s employment status. Provide the requested information about Petitioner’s employer. If Petitioner is self-employed, list the business name and address.
17. This question asks for Petitioner’s monthly income. Check “Respondent has no information about Petitioner’s income” if you do not know how much money Petitioner makes. If you have detailed information about Petitioner’s income, complete the questions.
18. This question is about your employment status. Provide the requested information about your employer. If you are self-employed, list the business name and address.

19. This question asks about your monthly income. If you are paid weekly, multiply your weekly income by 4.33 to get monthly income. If you are paid every two weeks, multiply by 2.17 to get monthly income. If you are paid twice per month, multiply by 2.
20. Complete the questions about medical and dental insurance.

NOTE: If you, your spouse, or your child(ren) are covered by medical or dental insurance through your job or your spouse's job, that coverage can be continued even after the divorce. If you want the insurance coverage to continue after the divorce, call the Employment Benefits Office of you or your spouse's employer and ask for "COBRA" coverage.

21. This question is about spousal maintenance. Spousal maintenance is money paid by one spouse to help support the other spouse. Spousal maintenance used to be called alimony. If you check YES for either (a) or (b), you need to provide details about the length of marriage, education of the spouse who would receive maintenance, gross monthly income, and reasons why the spouse would not be able to maintain the standard of living established during the marriage.
22. List all the vehicles owned by you and Petitioner together or separately.

WARNING: Questions 23-24 ask about marital and non-marital property. Dividing marital property and non-marital property is complicated. You should talk to an attorney.

- **Marital Property** means almost anything that you or your spouse own that you or your spouse received during the marriage, even during the times that you and your spouse were separated. This includes real estate, boats, cabins, household goods, furniture, jewelry, and other things.
 - **Non-marital Property** means: (1) anything that you or your spouse owned before the marriage; (2) anything that you or your spouse received as a gift, bequest, devise, or inheritance; (3) anything that you or your spouse got in trade or in exchange for your non-marital property; (4) anything that is an increase in the value of non-marital property; (5) anything you or your spouse received after the valuation date set by the Court; or (6) anything included by a valid antenuptial contract (STOP: If you have an antenuptial contract, you should stop here and talk to an attorney.)
23. Check YES or NO whether you and your spouse have divided the **marital property** to your mutual satisfaction, including household goods, furniture, furnishings, and other belongings. If you have **NOT** divided the marital property, list the items that you want.
24. (a) Check YES or NO whether your spouse claims **non-marital property**. Non-marital property is property owned before the marriage or acquired during the marriage by inheritance or gift. List all non-marital property your spouse owns.
- (a) Check YES or NO whether you claim **non-marital property**. Non-marital property is property you owned before you got married or acquired during the marriage by inheritance or gift. List all non-marital property you own.
25. Check YES or NO whether you or your spouse has money in banks, savings, cash or investments. If YES, fill in all columns in the box. Use Confidential Information Form 11.1

(CON111) to list the name of the financial institution, account holder name(s), and account numbers. Using Form 11.1 keeps your account numbers confidential from the public. Do not list account numbers on the *Answer and Counter-Petition*.

NOTE! Failure to use Form 11.1 means these numbers could be available to the general public and you could be charged court costs and the court may order other sanctions against you for the failure to keep these account numbers confidential.

26. Check YES or NO whether you and/or your spouse own part or all of a business. If YES, fill in the name, address and value of the business.
27. Check YES or NO if either you or your spouse own a manufactured home. If YES, complete the detail questions.

WARNING: Question 28 asks you to list all **real property**. Real property is land and the buildings on the land. You must list all real property owned by you and your spouse together, separately, or with others. Failure to list all property **will** create serious problems and expense in the future. Until the divorce is finalized and the Decree awards the property to just one party, both you and your spouse have an interest in all real estate owned by either you or your spouse. A deed given by one spouse to the other spouse before the divorce is finalized does **not** transfer all interest to the grantee spouse. Any deeds between the parties must be signed and dated after the divorce is finalized. **Dividing real property is complicated. You should talk to an attorney if you and/or your spouse own any real property.**

28. (a) Check YES or NO if you and your spouse own any real property together.
(b) Check YES or NO if your spouse owns real property solely in his/her name or with someone other than you.
(c) Check YES or NO if you own real property solely in your name or with someone other than Petitioner.
(d) Answer how many properties are owned by you and your spouse in total.
If YES to (a), (b) or (c), complete the Real Property Information questions for each piece of property. (1) List the full names of all owners of the property. (2) Fill in the legal description of the property (the legal description is not the same as the street address). *Example of Legal Description: Lot 1, Block 4, Hamden Edition, Hennepin County, Minnesota.* You can get a copy of the legal description from the Deed or Contract for Deed at the office of the County Recorder or Registrar of Titles in the County where the real property is located. **WARNING:** Be sure to copy the legal description **exactly** as is on the Deed or Contract for Deed. (3) Fill in the street address, city, county, and state where your property is located. (4) State the date the property was purchased and its purchase price. (5) State the amount of any existing loans or mortgages. (6) State the current market value of the property and describe how you came up with that value. (7) Check YES if this property is the homestead.

WARNING: Question 29 asks about pension, profit sharing, and retirement plans. **Dividing pension, profit sharing, and retirement plans is complicated. You or your spouse could face large losses if the divorce decree does not divide the pension or retirement plan according to the laws that apply. You should talk to an attorney if you or your spouse have any of these types of plan.**

29. (a) Check YES or NO if your spouse has an IRA, 401(k), 403(b) or other retirement plan. If YES, list the current account balance. Use Confidential Information Form 11.1 (CON111) to list the name of the financial institution, account holder name(s) and account numbers.
- (b) Check YES or NO if your spouse's past or present employer, union, or other group, paid money into a pension, profit-sharing, or other retirement plan for your spouse. If YES, list the name of the plan, the name of the group employer, union, or group providing the plan, the date your spouse began working at the job or joined the plan, the type of plan, and the present value of the plan.
- (c) Check YES or NO if you have an IRA, 401(k), 403(b) or other retirement plan. If YES, list the current account balance. Use Confidential Information Form 11.1 (CON111) to list the name of the financial institution, account holder name(s) and account numbers.
- Check YES or NO if your past or present employer, union, or other group, paid money into a pension, profit-sharing, or other retirement plan for you. If YES, list the name of the plan, the name of the group employer, union, or group providing the plan, the date you began working at the job or joined the plan, the type of plan, and the present value of the plan.
30. Check YES or NO if you and/or your spouse have outstanding debts (owe money) either together or separately. If YES, list all of the debts you and your spouse now have, even if only one of you created the debt and even if only one of your names is on the credit card, loan or note. List all debts still owed from before you were married, from during the marriage but before separation, and after separation. The *Judgment and Decree* (divorce decree) will state who is responsible for paying each debt. Include credit card bills, gas bills, water bills, telephone bills, school loans, car loans, home loans and mortgages, and other bills and loans. List to whom the debt is owed (such as Sears); how the money was used (such as "clothing for the children"); whose name is on the account and when the debt was created (if you cannot get the exact date the debt was created, at least state if the debt is from before the marriage, or during the marriage and before separation, or after separation); the current balance due; and the monthly payment. Attach another sheet of paper if you need more space. You must disclose all debts.
31. You may change your name as part of the divorce, but you do not have to do so. You can change your name to a maiden name, or some other name. You cannot make your spouse change his or her name, and your spouse cannot make you change your name. If you want to change your name, check YES and answer (a) – (c). If you do not want to change your name, check NO.
- (a) Print your new name (*first, middle, and last*). **Do not use initials unless you want only an initial instead of a full name.** Check whether this is a former legal name or maiden name. If not, explain why you want to change to this name.
- (b) You cannot change your name if your reason for changing your name is to defraud or mislead anyone. Mark True or False to the statement "Respondent has no intent to defraud or mislead anyone by changing his/her name."
- (c) If you have a felony conviction, you cannot change your name unless you notify the prosecuting authority that you intend to change your name. The prosecuting authority has 30 days after being served with your notice to object to the name change. If you have been convicted of a felony anywhere in the United States, answer (c) YES. Ask Court Administration to give you the *Felon Name Change Instructions* or you can download the forms at www.mncourts.gov/forms.
- Warning:** If you do not notify the prosecuting authority of the request for name change and you use your new name, you may be guilty of a gross misdemeanor.
32. List any other facts you would like the Court to know.

INSTRUCTIONS FOR ANSWERING QUESTIONS 1-17, WHICH TELL THE COURT AND YOUR SPOUSE WHAT YOU WANT THE COURT TO ORDER

1. This tells the Court that you want your marriage dissolved. You do not need to write anything here.
2. You must check a box to state that you want to pay for health and dental insurance for you and your spouse, after the divorce is finalized. If you want you and your spouse to each pay your own health and dental insurance costs, check box (a). Box (c) is for COBRA coverage. Check with the employer of the person who has coverage for information on how to get COBRA coverage. If you have other questions, or if the boxes provided do not explain what you want the court to order, ask an attorney for help.
3. If you want spousal maintenance to be denied, check box 3(a). If you want the Court to decide the issue of maintenance at a later date, then check box 3(b). If spousal maintenance should be ordered to help either you or your spouse pay for necessities, check the appropriate boxes in 3(c).
4. In question 22 above you listed all of the vehicles owned by you and your spouse. Write down which vehicles you want the Court to give to you and which vehicles you want your spouse to have.

WARNING: Dividing marital property and non-marital property is complicated. You should talk to an attorney.

5. Check YES or NO whether you and your spouse have already divided your marital property to your mutual satisfaction. If NO, list the marital property you want to receive and the marital property you want your spouse to receive.
6. Check YES or NO whether you and your spouse have already divided your non-marital property to your mutual satisfaction. If NO, list the non-marital property you want to receive and the non-marital property you want your spouse to receive.
7. State how you want the Court to divide the cash and investments listed at #25 above.
8. If you and/or your spouse own a business, state how you want the Court to divide the business. Be very specific.
9. If you and/or your spouse own a manufactured home, provide the address of the manufactured home and check off who should get it. If there is a debt on the manufactured home, fill in who the debt is owed to and who should pay the debt.
10. If you or your spouse own real property either separately or together, check off whether you (Respondent) or your spouse (Petitioner) should be awarded that real property, and then list the street address, city, county and state where the homestead is located, and then write the **exact** legal description. You can get a copy of the legal description from the Deed or Contract for Deed at the office of the County Recorder or Registrar of Titles in the County where the property is located. Write in the name of the mortgage company and the amount of the current mortgage balance. If there is an additional parcel of real property, list it in paragraph 11.

11. If there is additional real property, provide the address and legal description and state how that property should be awarded.
12. Describe how your pension, profit sharing, retirement, IRA or 401 plan should be divided, then do the same with any plan in your spouse's name. Get competent legal and tax advice before making any decisions.
13. If you and your spouse have any individual debts and you want the Court to order each of you to pay your own debts, check box (a). In question 30 above you listed all of the debts you and your spouse have. Include all debts listed from question 30. If you want the court to order that each party pay their own debts, check box (b).
14. If you want to change your name, print **exactly** how your new name should be listed (first, middle, and last). **Do not use initials unless you want only an initial instead of a full name.**
15. List anything else you would like the court to decide.
16. You do not need to write anything for question 16.
17. READ and SIGN the **Verification and Acknowledgments** on the next page.

Signing the *Answer and Counter-Petition* under penalty of perjury means you are stating that the information in the *Answer and Counter-Petition* is true to the best of your knowledge. Perjury is the crime of intentionally lying or misrepresenting the truth, punishable by jail or other sanctions.

Step 2

Make Copies of Forms

Make two (2) copies of the *Answer and Counter-Petition*. Keep one for yourself. Step 3 tells you how to serve the second copy on the other party. Step 5 tells you what to do with the *Answer and Counter-Petition*.

Step 3

Serve the Other Party

Your spouse must receive a copy of your *Answer and Counter-Petition* within thirty (30) days of the date you were served with the *Summons* and *Petition*. This is called “service of process.” Service of process may be done **either** by “Personal Service” or by “Mail Service.” Follow these instructions:

NOTE: You need to have someone else hand-deliver or mail the *Answer and Counter-Petition* to your spouse or your spouse's attorney.

1. **Personal Service**

Ask an adult friend or adult family member to hand a copy of the *Answer and Counter-Petition* directly to your spouse. If your spouse has an attorney, the attorney's name and address will be on the *Summons* you received, and instead of delivering the papers to your spouse, they must be delivered to your spouse's attorney. The papers cannot be given to anyone other than your spouse or your spouse's attorney, if any. If you do not have an adult friend or adult family member who will serve the *Answer and Counter-Petition* on your spouse, you should call a private process server listed in the telephone book, or ask the Sheriff in the county where your spouse lives, who will then serve the papers. Private process servers and the Sheriff charge a fee to serve papers.

2. **Service by Mail**

Ask an adult friend or adult family member to place one copy of the *Answer and Counter-Petition* in an envelope. Write your spouse's address on the front of the envelope, or, if your spouse has an attorney, write the attorney's address on the front of the envelope. Ask the friend or family member to place the correct amount of postage on the envelope (you may want to take the envelope to the post office and have it weighed to determine the correct postage), and put the envelope in the mailbox.

Step 4

The Person Who Serves Your Spouse Must Fill Out the *Affidavit of Service*

The person who handed or mailed the *Answer and Counter-Petition* to your spouse (or your spouse's attorney, if any) must fill out an *Affidavit of Service* form. This form proves to the court that your papers were handed or mailed to the other party. There are two different *Affidavit of Service* forms included in this packet. It is very important to use the correct form based on the way in which the papers were served on your spouse.

If the papers were hand-delivered to your spouse (or your spouse's attorney), fill out the *Affidavit of Personal Service* form by following these instructions:

1. Fill in the top part of the form the same way you did on your *Answer and Counter-Petition*.
2. After "County of," fill in the name of the county where the *Affidavit of Personal Service* was signed.
3. On the blank line after "I," fill in the name of the person who hand-delivered the forms to your spouse (or your spouse's attorney).
4. Fill in the date of birth of the person who hand-delivered the forms.
5. Fill in the date that the documents were hand-delivered to your spouse (or your spouse's attorney).
6. List the papers that were actually handed to your spouse or your spouse's attorney. (For example, the *Answer and Counter-Petition*).
7. Fill in the full name of the person to whom the documents were handed (either your spouse or your spouse's attorney).

The person who delivered the forms must sign the *Affidavit of Personal Service* under penalty of perjury. By signing the *Affidavit* under penalty of perjury, the server is stating that the information in the *Affidavit* is true to the best of his / her knowledge. Perjury is the crime of intentionally lying or misrepresenting the truth, punishable by jail or other sanctions.

8. After it has been signed, make one copy of the *Affidavit of Personal Service* for your records.

If the papers were mailed to your spouse (or your spouse's attorney, if any), the person who mailed the documents must fill out the *Affidavit of Service by Mail* form by following these instructions:

1. Fill out the top part of the form the same way you did on your *Answer and Counter-Petition*.
2. After "County of," fill in the name of the County where the *Affidavit of Service by Mail* was signed.
3. On the blank line after "I," fill in the name of the person who mailed the form to your spouse (or your spouse's attorney).
4. Fill in the date of birth of the person who mailed the forms.
5. Fill in the date the documents were placed in the mail to your spouse (or your spouse's attorney).
6. Fill in the complete titles of all of the documents that were mailed to your spouse or your spouse's attorney.
7. Fill in the full name of the person to whom you addressed the envelope and to whom the envelope was mailed (either your spouse or your spouse's attorney).
8. Fill in the address to which the envelope was mailed (either your spouse's address or the address of your spouse's attorney), including the street address, city, state, and zip code.
9. Fill in the city and state in which the post office is located and where the envelope was mailed.

The person who delivered the forms must sign the *Affidavit of Personal Service* under penalty of perjury. By signing the *Affidavit* under penalty of perjury, the server is stating that the information in the *Affidavit* is true to the best of his / her knowledge. Perjury is the crime of intentionally lying or misrepresenting the truth, punishable by jail or other sanctions.

10. After it has been signed, make one copy of the *Affidavit of Service by Mail* for your records.

Step 5

File the Forms With the Court

Immediately take or mail the following documents to the Court Administrator's office. You may also mail the papers to the Court Administrator.

- *Answer and Counter-Petition*
- *Form 11.1 Confidential Information Form* (Include names, social security numbers for you and your

spouse, and financial institution names with associated account numbers). This information will be kept confidential. You should also know that if at a later point in the divorce proceeding you need to file financial records such as bank statements, credit card statements, or income tax returns then you should fill out Form 11.2 and use that as a cover sheet for any financial records. Using these forms ensures that your social security number and other financial records will be kept in a confidential part of the court file.)

- *Affidavit of Personal Service* **OR** *Affidavit of Service by Mail*

You will now need to pay a filing fee. Contact the Court Administrator to find out the amount of the filing fee.

If you cannot afford to pay the filing fee, the Judge may waive it under certain circumstances. Ask the Court Administrator/Deputy for an *In Forma Pauperis* application or download the forms at www.mncourts.gov/forms. Fill out this application and file it with the court. Court administration staff will explain local practice as to presenting the In Forma Pauper application to a judge for review. A judge will review your application and decide if you must pay the filing fee. The Court Administrator cannot accept your legal papers without either the required filing fee or an order from a judge waiving the fee.

Step 6

Temporary Relief

If you and your spouse need a temporary order to address temporary spousal maintenance or any other matter in the divorce, go to the Court Administrator's office and ask for "Temporary Relief Pending Final Hearing Without Children" forms or download the forms at www.mncourts.gov/forms. If the judge signs the temporary order that order is in effect until the judge signs the final order divorcing you and your spouse.

Step 7

Try to Settle All of the Issues With Your Spouse

1. If you do not respond to the *Petition for Dissolution of Marriage* within thirty (30) days, your spouse will notify the court and ask the court to grant everything asked for in the *Petition*. The court will do so by issuing a final divorce decree called the *Findings of Fact, Conclusions of Law, Order for Judgment and Judgment and Decree*.
2. If you AGREE with everything your spouse is asking for in the *Petition for Dissolution of Marriage*, tell your spouse in writing. Your spouse will then complete a document called a *Stipulated Findings of Fact, Conclusions of Law, Order for Judgment and Judgment and Decree* that you will be asked to review and sign to make sure it says what you agreed to for your divorce.
3. If you do NOT AGREE with everything your spouse is asking for in the *Petition for Dissolution of Marriage*, you and your spouse should attempt to reach an agreement regarding as many issues as possible.

If you and your spouse reach an agreement regarding all issues, your spouse will fill out a *Stipulated Findings of Fact, Conclusions of Law, Order for Judgment and Judgment and Decree* that you will be asked to review and sign to make sure it says what you agreed to for your divorce.

If you and your spouse DO NOT reach an agreement regarding all of the issues, you and your spouse will have to go to court and a judge will decide the issues for you after a trial. If disagreements still exist, go to Step 8 and fill out the *Parenting Financial Disclosure Statement*. The *Parenting / Financial Disclosure Statement* form and instructions can be found on the court's website at www.mncourts.gov/forms under the court forms category of "Family" or from the court administrator.

Step 8

Wait For Your Final Divorce Decree

1. If you and your spouse reached an agreement settling all of the issues in your marriage by signing a *Stipulated Findings of Fact, Conclusions of Law, Order for Judgment and Judgment and Decree*, your spouse will file the document with the Court. The Court Administrator will send you and your spouse a notice telling you when the Judge has signed the *Stipulated Findings of Fact, Conclusions of Law, Order for Judgment and Judgment and Decree*.
2. If you and your spouse were unable to settle all of the issues and you had to go to trial, the court will issue the final divorce decree within 90 days after the trial. This will be called the *Findings of Fact, Conclusions of Law, Order for Judgment and Judgment and Decree*.

WARNING: YOU ARE NOT DIVORCED UNTIL THE JUDGE AND THE COURT ADMINISTRATOR/DEPUTY SIGNS THE *FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER FOR JUDGMENT AND JUDGMENT AND DECREE*. You will be notified by mail when this happens. You may obtain a plain copy or certified copy of your Divorce Decree from the Court Administrator. There is a cost for a certified copy and a cost for a plain copy. Make checks payable to "Court Administrator." Include your name and the case number in your request. **NOTE:** You may make additional copies of your Decree. However, a copy is "certified" only if it has the original seal of the District Court. You cannot make a certified copy yourself.

OTHER STEPS AFTER ENTRY OF THE DECREE:

It is the responsibility of the parties to take all necessary steps to put into effect the others of the court. For example, if you changed your name as part of this proceeding, you will need to get your driver's license and social security card changed to reflect your legal name. If you or Petitioner were awarded pension or medical benefits, the company or provider will need to see the Decree and may have other requirements before making the changes ordered by the court. If you and/or Petitioner own real estate, a certified copy of the Decree must be filed in the real estate records where the property is located. The actions you need to take depend on your Decree and your situation.